

REMARKS

In response to the restriction requirement and requirement for election of species issued September 28, 2001 in the above-referenced patent application, Applicants elect for prosecution the invention of Group I, claims 1-6, 8-20, 24, 27, 30-32, 34-37 and 39. The remaining claims have been canceled as drawn to a non-elected invention. Applicants reserve the right to prosecute the claims of the non-elected invention in one or more continuing applications.

In addition claims 17 and 18 have been amended to depend from claim 10, rather than from any of claims 9-16.

In the event that Group I was chosen for prosecution, the examiner issued a requirement for election of species of one of the nucleic acid molecules of MOP2, MOP3, MOP4, MOP5, MOP6, MOP7, MOP8 and MOP9 (SEQ ID NOS: 2-9, respectively). Applicants traverse in part this requirement for election of species. As stated in 37 C.F.R. §1.141, a reasonable number of species may be claimed in one application if all other requirements of the rule are met. In the instant case, MOP3, MOP4 and MOP9 are related to one another in that SEQ ID NO:3 (MOP3) and SEQ ID NO:9 (MOP9) share extended sequence homology, and SEQ ID NO:4 (encoding MOP4) encodes a protein that is a binding partner for MOP3. Applicants submit that these three sequences constitute a reasonable number of species to be contained in a single patent application, and that a search and examination of this small number of species would not place an undue burden on the examiner. Therefore, in the interest of providing a full and fair examination of the subject matter of the elected invention, Applicants request the requirement for election of species be

modified to include the nucleic acid molecules of MOP3, MOP4 and MOP9. At the very least, Applicants request inclusion of the nucleic acid molecules of MOP3 and MOP9, inasmuch as the evidence set forth in the present specification indicates that these nucleic acid molecules are homologs of one another.

To be fully responsive in the event the requirement for election of species is not withdrawn, Applicants elect the nucleic acid molecule of MOP3, SEQ ID NO:3. Claims readable on this species include claims 1-6, 8, 10, 17-20, 35-37 and 39.

Applicants note the examiner's comment with respect to the re-numbering of claim 40 as claim 42.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 7, 21-23, 25, 26, 28, 29, 33, 38 and 40-43 have been canceled.

17. (Amended) A recombinant DNA molecule comprising the nucleic acid molecule of claim 10 [any of claims 9-16], operably linked to a vector for transforming cells.

18. (Amended) An oligonucleotide between about 10 and about 100 nucleotides in length, which specifically hybridizes with a portion of the nucleic acid molecule of claim 10 [any of claims 9-16].